

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORRIS DAJON MILLER,

Plaintiff,

v.

RUBY SANCHEZ, et al.,

Defendants.

No. 1:22-cv-00273-DAD-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S MOTION TO PROCEED *IN*
FORMA PAUPERIS

(Doc. Nos. 2, 5)

Plaintiff Norris Dajon Miller is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 10, 2022, the assigned magistrate judge issued findings and recommendations, recommending that plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) be denied because: (1) he is subject to the three strikes bar under 28 U.S.C. § 1915(g); and (2) the allegations of plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to § 1915(g). (Doc. No. 5.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) Plaintiff filed objections on March 23, 2022, and March 25, 2022. (Doc. Nos. 7, 8.) In his objections, plaintiff appears to advance additional allegations regarding

1 prison officials stealing or damaging his property in retaliation for his bringing of various
2 lawsuits, but he presents no convincing arguments suggesting that he qualifies under the
3 “imminent danger of serious physical injury” exception to § 1915(g). (*See generally* Doc. No. 8.)

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff’s
6 objections, the court finds the findings and recommendations to be supported by the record and
7 by proper analysis.

8 Accordingly,

- 9 1. The findings and recommendations issued on March 10, 2022 (Doc. No. 5) are
10 adopted;
- 11 2. In accordance with 28 U.S.C. § 1915(g), plaintiff’s application to proceed *in forma*
12 *pauperis* (Doc. No. 2) is denied;
- 13 3. Within twenty-one (21) days following service of this order, plaintiff shall pay the
14 required \$402.00 filing fee in full to proceed with this action;
- 15 4. Plaintiff’s failure to pay the filing fee within the specified time will result in the
16 dismissal of this action; and
- 17 5. This matter is referred back to the assigned magistrate judge for proceedings
18 consistent with this order.

19 IT IS SO ORDERED.

20 Dated: **April 13, 2022**

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23 UNITED STATES DISTRICT JUDGE
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